

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL ACTION
)	NO. 04-1835-CBS
FRANK DA SILVA,)	
Defendant,)	
_____)	

ORDER OF DETENTION
December 8, 2004

SWARTWOOD, M.J.

I. Nature Of The Offense And The Government's Motion

On December 8, 2004, a Criminal Complaint was filed charging Frank Da Silva ("Mr. Da Silva") with knowingly and without lawful authority, producing and transferring false identification documents, in violation of 18 U.S.C. §§1028(a)(1) and 1428(a)(2).

On December 8, 2004, Mr. Da Silva appeared before me for his initial appearance and at that time, I advised him of his right to a preliminary examination in accordance with Fed. R. Crim. P. 5.1 and the Government moved for detention in connection with 18 U.S.C. §3142(f)(2)(A) (risk of flight).

At this initial appearance, Mr. Da Silva waived his right to a probable cause hearing and assented to an Order of Detention, but reserved his right to a detention hearing in the future.

II. Order of Detention Pending Trial

In accordance with the foregoing memorandum,
IT IS ORDERED:

1. That Mr. Da Silva be committed to the custody of the Attorney General, or his designated representative, for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. That Mr. Da Silva be afforded a reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which Mr. Da Silva is detained and confined shall deliver Mr. Da Silva to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. § 3145(b) .

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
MAGISTRATE JUDGE